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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,007	10/17/2000	Harry W. Morris	06975-058001 / Ad Serving	1832
26171	7590	11/12/2004	EXAMINER PHAN, TAM T	
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500			ART UNIT 2144	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/690,007

Applicant(s)

MORRIS ET AL.

Examiner

Tam (Jenny) Phan

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2144

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Detailed Action Attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-28,55-57 and 64-70.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DETAILED ACTION

1. Amendment received on 04/30/2004 has been entered into record. Claims 29-54 and 58-63 are cancelled. Claims 1-28, 55-57, and 64-70 are previously presented.
2. Claims 1-28, 55-57, and 64-70 remain pending.

Response to Arguments

3. Applicant's arguments filed 09/028/2004 have been fully considered but they are not persuasive.
4. Applicants' response to the application of Blumenau and Guyot et al. in Amendment filed 09/028/2004, argued "Blumenau and Guyot, either alone or in combination, fail to describe or suggest determining an amount of time to be used in later displaying advertisements based on the viewer's monitored interactions and adjusting a timing of later displayed advertisements based on the determined amount of time", it is submitted that Blumenau disclosed a method of presenting content to viewers in a computer network environment by monitoring a viewer's interactions with an associated computer system (Title, Abstract, column 7 lines 58-65); determining an amount of time to be used in later displaying advertisements on the viewer's associated computer system based on the viewer's monitored interactions (column 13 lines 51-58, column 14 lines 7-19, column 18 lines 38-49, column 19 lines 2-11) and Guyot disclosed a method of adjusting a timing of later displayed advertisements on the viewer's associated computer system based on the determined amount of time (Title, column 2 lines 9-20, column 5 lines 6-18).

5. Blumenau disclosed, "monitoring information can be used to affect the display of a set of content. One way in which this can occur is for a set of content, or the manner in which the set of content is displayed, to be modified based upon review and analysis of monitoring information obtained from previous displays of the set of content (e.g., monitoring information regarding whether or not the content was hidden, or the frequency of display of the content at different times during the day or week, that may be used to determine the best location on a display screen or the best times, respectively, to display the content)" (column 18 lines 38-49) and "the duration of time that a set of content has been displayed can be determined, as discussed above, and the portion of the set of content that is being displayed changed as a function of that duration, e.g., the display of a set of content can begin with a particular video display and change to another video display after passage of a specified duration of time" (column 19 lines 2-11). Thus, in response to applicants' argument, "Blumenau nowhere describes or suggests determining an amount of time to be used in later displaying advertisements", the Office asserts that Blumenau indeed did disclose the claimed limitation.

6. Furthermore, Guyot et al. disclosed, "the client application monitors the keyboard and mouse activity on the subscriber's computer to determine when the subscriber is most likely to be watching the computer screen. The client application then uses this information to schedule the display of advertisements on the subscriber's computer" (column 2 lines 8-13). Guyot further disclosed other information such as Ad Play Times Maximum Number, Ad Frequency, Daily Ad Playing Counter, Ad Hour/Day/Week/Month

Frames, etc. that could be adjusted for displaying advertisements based on user's interactions and other parameters. Thus, it is submitted that Guyot disclosed adjusting a timing of later displayed advertisements on the viewer's associated computer system based on parameters derived from user's interactions [determined amount of time] and Blumenau is relied upon for the determined amount of time limitation.

7. As set forth in the previous Final Rejection sent 07/28/2004, Examiner asserts that the combination of Blumenau and Guyot et al. render the claimed invention obvious. Refer to the Final Rejection mailed on 07/28/2004 for complete details.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (571) 272-3930. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SPE
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tp
November 8, 2004